

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 DRC-01 CAB-09 CIAE-00 COME-00

DODE-00 DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03

IO-14 SS-20 NSC-07 PA-04 PRS-01 USIA-15 /123 W

----- 010121

R 250831Z SEP 74

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 3808

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E.O. 11652: N/A

TAGS: ETRN, AU

SUBJECT: CHARTER UNDERSTANDING

REF: A. VIENNA A-441; B. VIENNA 3080; C. STATE 95367

SUMMARY: AUSTRIANS HAVE COMPLETED REVIEW OF CHARTER OPERATIONS AND HAVE ISSUED NEW REGULATIONS. MINISTRY OF TRANSPORT HAS EXPRESSED RENEWED INTEREST IN CONCLUDING BILATERAL MEMORANDUM OF UNDERSTANDING.

1. AUSTRIANS HAVE FINALLY COMPLETED THEIR REVIEW OF

CHARTER REGULATIONS AS OUTLINED REF B AND HAVE PREPARED NEW CHARTER REGULATIONS, COPY OF WHICH BEING FORWARDED TO DEPARTMENT WITH REF A.

2. DR. DVORAK, AUSTRIAN CIVIL AVIATION OFFICIAL IN CHARGE OF CHARTER MATTERS, IN COMMENTING ON THE NEW REGULATIONS TOLD EMBASSY LAST WEEK THAT AT PARIS ECAC MEETING HELD EARLIER THIS MONTH A TEXT OF A MULTILATERAL AGREEMENT ON NORTH AMERICAN CHARGERS WAS UNANIMOUSLY ADOPTED. THE DRAFT AGREEMENT IS TO BE TAKEN UP BY ECAC IN A TRIPARTITE U.S./CANADA/ECAC MEETING THIS FALL TOGETHER WITH AN ECAC RECOMMENDATION TO EFFECT THAT ACCEPTED.

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TANCE OF MULTILATERAL AGREEMENT OR AT LEAST ITS PRINCIPLES

WOULD BE PRECONDITION TO ENTERING INTO BILATERAL AGREEMENTS WITH U.S. ON CHARTERS.

3. DVORAK ADDED, HOWEVER, THAT WHILE AUSTRIANS AS A RULE CONFORM TO ECAC RECOMMENDATIONS, GOA WISHES TO GO AHEAD WITH CONCLUSION AND RATIFICATION OF BILATERAL MEMORANDUM OF UNDERSTANDING EVEN WITHOUT AWAITING RESULTS OF TRIPARTITE MEETING. DVORAK SAID AUSTRIA HAS BEEN FOLLOWING A MORE LIBERAL POLICY THAN OTHER COUNTRIES RE TRANSATLANTIC CHARTERS BECAUSE OF ITS INTEREST IN TOURIST TRAFFIC. DVORAK APPEARED TO BE UNDER IMPRESSION THAT FROM AUSTRIAN STANDPOINT NO SUBSTANTIVE CHANGES IN THE DRAFT MEMORANDUM OF UNDERSTANDING WOULD BE NECESSARY, BUT HE HAD NOT RECENTLY REVIEWED LANGUAGE OF DRAFT AGREEMENT (VIENNA 3079).

4. EMBASSY NOTES, HOWEVER, THAT NEW CHARTER REGULATIONS PROVIDE THAT FROM JANUARY 1, 1975 NO FURTHER AFFINITY CHARTERS WILL BE AUTHORIZED FOR OPERATIONS ON ROUTES WHERE ADVANCE BOOKING CHARTER (ABC) FLIGHTS HAVE BEEN INTRODUCED AND WHERE THE OUTWARD FLIGHT BEGINS AFTER 31ST MARCH 1975. THIS WOULD APPEAR TO REQUIRE SOME CLARIFICATION RE PARAGRAPH 1.D. 4. OF DRAFT MEMORANDUM. DVORAK INDICATED THAT QUESTION OF INCOMING AFFINITY FLIGHTS FROM U.S. IS STILL OPEN AND WILL DEPEND ON OUTCOME OF CONSULTATIONS BETWEEN ECAC AND U.S.

5. SECONDLY, WE NOTE THAT NEW CHARTER REGULATIONS PROVIDE THAT INTERMINGLING OF AFFINITY, ABC, AND ITC CHARTERS SHALL NORMALLY NOT BE PERMITTED. DEPARTMENT WILL RECALL THAT AUSTRIANS HAD ORIGINALLY INDICATED (STATE 4414, MAY 25, 1973) THAT THEY WOULD PERMIT INTERMINGLING OF DIFFERENT CATEGORIES OF CHARTERS ALTHOUGH RESERVING THE RIGHT TO LIMIT EXTENT OF SUCH OPERATIONS.

6. DVORAK NOTED THAT U.S. HAD FILED WITH ICAO THE INTERIM AGREEMENT OF NOV. 6, 1973 RELATING TO AIR CHARTER SERVICES BETWEEN AUSTRIA AND U.S. HE ASKED LIMITED OFFICIAL USE

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WHETHER U.S. HAS ALSO FILED WITH ICAO ITS SIMILAR AGREEMENTS WITH OTHER COUNTRIES AND IF SO WHAT TERMINOLOGY THE U.S. USED IN DESCRIBING THESE AGREEMENTS. READING BETWEEN LINES, WE HAVE IMPRESSION THAT AUSTRIANS MAY HAVE TAKEN SOME FLAK FROM ECAC PARTNERS FOR REGISTRATION OF THE AGREEMENT AS A QUOTE CHARTER SERVICES UNQUOTE AGREEMENT, WHICH TERM MAY HAVE BEEN MISLEADING TO AUSTRIA'S ECAC PARTNERS.

7. IN LIGHT OF NEW REGULATIONS
AND IN VIEW DVORAK'S STATED INTEREST IN CONCLUDING
MEMORANDUM OF UNDERSTANDING, ADVISE WHETHER DEPARTMENT
WISHES TO RENEW EFFORTS HERE TO WRAP UP AGREEMENT. WE
WILL AWAIT DEPARTMENT'S COMMENTS BEFORE FORMALLY PROPOSING
TO AUSTRIANS ANY CHANGES IN TEXT SUCH AS THOSE SUGGESTED
REF C. HUMES

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, SUPPLEMENTAL AIRLINES, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974VIENNA08225
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740270-0016
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740913/aaaaakzi.tel
Line Count: 123
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. VIENNA A-441; B. VIENNA 3080; C., STATE 95367
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAR 2002 by elyme>; APPROVED <21 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHARTER UNDERSTANDING
TAGS: ETRN, AU
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005